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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,295	11/13/2001	Linda Ann Roberts	BELL-0130/01183	2697

7590 03/31/2003

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EXAMINER

MCALLISTER, STEVEN B

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 03/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/008,295	Roberts et al
	Examiner	Art Unit
	Steven McAllister	3627
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --		
<b>Period for Reply</b> A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.		
- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).		
<b>Status</b>		
1) <input type="checkbox"/> Responsive to communication(s) filed on _____ 2a) <input type="checkbox"/> This action is <b>FINAL</b> .      2b) <input checked="" type="checkbox"/> This action is non-final. 3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11; 453 O.G. 213.		
<b>Disposition of Claims</b>		
4) <input checked="" type="checkbox"/> Claim(s) <u>1-15</u> is/are pending in the application. 4a) Of the above, claim(s) _____ is/are withdrawn from consideration. 5) <input type="checkbox"/> Claim(s) _____ is/are allowed. 6) <input checked="" type="checkbox"/> Claim(s) <u>1-15</u> is/are rejected. 7) <input type="checkbox"/> Claim(s) _____ is/are objected to. 8) <input type="checkbox"/> Claims _____ are subject to restriction and/or election requirement.		
<b>Application Papers</b>		
9) <input type="checkbox"/> The specification is objected to by the Examiner. 10) <input checked="" type="checkbox"/> The drawing(s) filed on <u>Nov 13, 2001</u> is/are a) <input checked="" type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.		
<b>Priority under 35 U.S.C. §§ 119 and 120</b>		
13) <input type="checkbox"/> Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) <input type="checkbox"/> All b) <input type="checkbox"/> Some* c) <input type="checkbox"/> None of: 1. <input type="checkbox"/> Certified copies of the priority documents have been received. 2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____. 3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received.		
14) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). a) <input type="checkbox"/> The translation of the foreign language provisional application has been received. 15) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.		
<b>Attachment(s)</b>		
1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)      4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)      5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). <u>2</u> 6) <input type="checkbox"/> Other:		

Art Unit: 2167

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in-
  - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
  - (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1, 7 and 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki et al (6,470,323).

Suzuki shows receiving electronic purchasing information from a shopper via a network 2 containing an electronic request to purchase goods. It inherently shows providing notification information since the customer is later contacted by the system. Suzuki also shows recognizing the occurrence of a triggering event that affects the performance of the electronic request comprising the arrival of merchandise that was out of stock. It further shows notifying the shopper of the triggering event via the communication pathway.

Regarding claim 7, it is noted that system of Suzuki has all elements of the claim.

Art Unit: 2167

Regarding claim 12, Suzuki shows a server 1 with an interface connected to a network 2 (see Fig. 1). It inherently shows a process engine capable of receiving purchasing and notification information, and recognizing a triggering event since the server of Suzuki accomplishes those functions and a computer system cannot do so without a processing engine.

As to claim 13, Suzuki shows a data storage facility in communication with the processing engine that stores data. It is inherent that it stores the notification information since the system notifies the customer when goods arrive and it must have notification information to do so.

As to claim 14, it is noted that Suzuki contains a shopper profile comprising the customer utilization history associated with the electronic request and operatively associated with customer notification information as described regarding claim 13.

As to claim 15, it is inherent that Suzuki has a message routing agent adapted to receive notification information since the system routes customer messages and must receive notification information to do so.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made

Art Unit: 2167

to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 3, 6, 8, 9, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al (6,470,323) in view of Roberts et al (6,101,486).

Suzuki shows, in addition to the elements of claim 1, a customer profile associated with the electronic request. It further inherently shows accessing notification information since it shows contacting the shopper. It does not explicitly show that the notification information is associated with the shopper profile. Roberts shows a customer profile with notification comprising an email address. It would have been obvious to one of ordinary skill in the art to modify the method of Suzuki by associating an email address as taught by Roberts with the customer profile to allow automated contact via the internet.

5. Claims 4, 5, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al (6,470,323) in view of "Presence: the Best Thing That Ever Happened to Voice" (hereafter Presence).

As to claims 4 and 10, Suzuki shows all elements of the claim except notification information comprising presence information. Presence shows notification information comprising presence information. It would have been obvious to one of ordinary skill in the art to modify the method of Suzuki by using presence information in order to determine how the person would prefer to be contacted, therefor creating greater customer satisfaction.

Art Unit: 2167

As to claims 5 and 11, it is noted that Suzuki in view of Presence shows notification information representative of a plurality of pathways with each having a preferred rank (see second paragraph of page 1 of Presence).

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is (703) 308-7052.

*St B. McAllister*  
Steven B. McAllister

March 20, 2003